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In re Application of	:	
ELLIOTT, et al.	:	DECISION ON RENEWED
Serial No.: 10/554,917	:	
PCT No.: PCT/US04/09215	:	PETITION UNDER
Int. Filing Date: 24 March 2004	:	
Priority Date: 30 April 2003	:	37 CFR 1.47(a) AND PETITION
Atty Docket No.: 039386-2277	:	
For: KINASES AND PHOSPHATASES	:	UNDER 37 CFR 1.182

This decision is in response to applicant's "Renewed Petition Pursuant to 37 C.F.R. § 1.47(a)" filed 27 April 2007.

### **BACKGROUND**

On 28 November 2006, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 27 April 2007, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a three-month extension of time and payment of the appropriate extension of time fee. Applicant's renewed petition is therefore timely filed.

### **DISCUSSION**

#### **I. Petition Under 37 CFR 1.182**

It was noted in the decision mailed 28 November 2006 that there was discrepancy between the executed declaration and the published international application as to inventor Narinder K. Walia. The present response is being treated as a petition under 37 CFR 1.182. As authorized, the \$400.00 petition fee will be charged to deposit account number 19-0741.

The Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The present petition is accompanied by a declaration setting forth the procedure whereby the change of name was effected; namely by marriage and subsequent divorce. The declaration is executed by Mrs. Walia identifying her current name and her married name.

The signed statement explains the previously discussed discrepancy. As such, it is appropriate to grant applicant's petition at this time.

## **II. Renewed Petition Under 37 CFR 1.47(a)**

As detailed in the decision mailed 28 November 2006, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 3.

With the filing of the present renewed petition and supporting exhibits applicant has satisfied the remaining items for all of the non-signing inventors. In addition, applicant has presently provided a declaration executed by previously non-signing inventor, Michael B. Thornton.

### **CONCLUSION**

For the reasons above, applicant's petition under 37 CFR 1.182 and renewed petition under 37 CFR 1.47(a) are **GRANTED**.

The application has an international filing date of 24 March 2004 under 35 U.S.C. 363, and will be given a date of **27 April 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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